

1 HONORABLE RONALD B. LEIGHTON
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 DAVID ALLEN HAWKINS,
11 v.
12 ELDON VAIL,
13 Petitioner,
14 Respondent.

Case No. C09-5434 RBL

ORDER DENYING ISSUANCE OF
CERTIFICATE OF APPEALABILITY

15 THIS MATTER comes on before the above-entitled Court upon Petitioner's Motion for Certificate
16 of Appealability [Dkt. #19].

17 For the reasons stated in the Report and Recommendation [Dkt. #15], the Court declines to issue a
18 certificate of appealability because the petitioner has failed to make "a substantial showing of the denial of
19 a constitutional right." 28 U.S.C. §2253(c)(2).

20 **IT IS SO ORDERED.**

21 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party
22 appearing pro se.

23 Dated this 17th day of February, 2010.

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26 RONALD B. LEIGHTON
27 UNITED STATES DISTRICT JUDGE
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